

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

112

2023:PHHC:138239

1. CR-4497-2014

Date of decision: 30.10.2023

JASBIR AND ANR.

..Petitioners

Versus

BALRAJ AND ORS

..Respondents

2. CR-4522-2014

JASBIR AND ANR.

..Petitioners

Versus

BALRAJ AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate
Mr. Sagar, Advocate
and Mr. Babban Goyal, Advocate
for the petitioners.

Mr. J.S. Ghuman, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. These two connected revision petitions have been filed by defendant No.1 and 2 to assail the correctness of two different interlocutory orders passed by the trial Court. In CR-4522-2014, the petitioners' application under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint on the ground that the Civil Court does not have the jurisdiction, has been dismissed by the trial Court. The correctness thereof has been challenged in this revision petition. The learned counsel representing the petitioners contend that in view of Section 158 of the Punjab Land Revenue Act, 1887, the jurisdiction of the Civil Court is barred, hence, the suit is not maintainable. The Civil Court has held that the suit is

plaint at the threshold. The enabling power to reject the plaint is required to be exercised cautiously. Unless from the reading of the plaint, the Court is in a position to record a definite finding that the Civil Court does not have the jurisdiction and the Court should be reluctant in rejecting the plaint.

2. In this case, the trial Court has held that *prima facie* the jurisdiction of the Civil Court to entertain injunction suit is not barred.

3. This Court does not find it appropriate to interfere with the aforesaid order in exercise of revisional jurisdiction.

4. In CR-4497-2014, the petitioners pray for setting aside the order passed by the trial Court on 03.09.2013 while allowing the plaintiff to amend the plaint. Initially, the plaintiff filed a suit claiming that the joint property in joint khewat is 40 kanal, whereas, now by way of amendment, the plaintiff claims that the joint property is 146 kanal and 16 marlas in the joint khewat. The trial Court has permitted the plaintiff to formally amend the plaint in order to incorporate the entire land comprised in the khewat. Such amendment does not cause prejudice to the rights of the parties.

5. Hence, no ground to interfere is made out.

6. Both the revision petitions are dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

October 30th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*